

August 17, 2004 CPC



**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

04SN0299

St. Joseph's Catholic Church

**Midlothian Magisterial District
828 Buford Road**

REQUEST: Conditional Use to permit a private school in a Residential (R-15) District.

PROPOSED LAND USE:

A private school in conjunction with church use is proposed.

RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed private school use would have no greater impact upon existing and anticipated area residential development than does the permitted church or public school uses.
- B. The recommended conditions address land use compatibility issues between the proposed uses and area residential development.
- C. Similar facilities, located adjacent to residential areas, have been approved throughout the County with no apparent adverse impact on the residential uses.

(NOTES: A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.

- B. IT SHOULD BE NOTED THAT THE PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES." THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE PROFFERS.)

PROFFERED CONDITIONS

1. Except where the requirements of the underlying R-15 zoning are more restrictive, any new development for school use shall conform to the requirement of the Zoning Ordinance for office uses in Emerging Growth Areas, except for buffers. (P)
2. The operation of the private school shall be in conjunction with a church use only. (P)
3. The setback criteria shall apply to any outdoor play fields, courts, swimming pools and similar active recreational areas:
 - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts, swimming pools or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from adjacent properties to the north and south. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards contained in Section 19-522 (a)(2) of the Zoning Ordinance.
 - b. If active play fields, courts, swimming pools or similar active recreational areas are setback more than 100 feet from the adjacent properties to the north and south, the landscaping or other design features described in 3.a. may be modified by the Planning Department at the time of site plan review. Such modifications shall accomplish mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100 foot setback / landscaping requirements described in Condition 3.a.

- c. Playground areas which accommodate swings, jungle gyms or similar such facilities shall be setback a minimum of fifty (50) feet from all property lines. (P)
4. Unless and until any active uses or any improvements are located within 125 feet of the southern property boundary adjacent to Summit Acres Subdivision, any healthy trees that are two (2) inches in caliper or greater shall be retained within this 125 foot setback. This condition shall not preclude the removal of vegetation from this 125 foot setback that is unhealthy, dying or diseased. (P)
5. At such time that any active uses or any improvements are located within 125 feet of the southern property line adjacent to Summit Acres Subdivision, a fifty (50) foot buffer shall be provided along this southern property line. This buffer shall comply with Section 19-520(a), 19-521 and 19-522(a)(2) of the Zoning Ordinance. (P)
6. No vehicular or pedestrian connections shall be permitted to the Summit Acres Subdivision. (T)
7. School enrollment shall not exceed 350 students. (P)
8. Direct access from the property to Buford Road and to Pinetta Drive shall be limited to the existing entrances/exits onto each roadway. Any relocation of these accesses shall be approved by the Transportation Department. (T)

GENERAL INFORMATION

Location:

Southwest quadrant of Buford Road and West Pinetta Drive and commonly known as 828 Buford Road. Tax ID 757-709-2787 (Sheet 7).

Existing Zoning:

R-15 with Conditional Use

Size:

19.7 acres

Existing Land Use:

Church with associated child care center

Adjacent Zoning and Land Use:

North - R-15; Single family residential

South - R-15; Single family residential

East - R-15; Single family residential or public/semi-public (church)

West - R-15; Vacant

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along the northeast side of Buford Road opposite the request site. In addition, an eight (8) inch water line extends along the south side of West Pinetta Drive adjacent to this site. The existing church is connected to the public water system. Use of the public water system to serve the private school is required by County Code.

Public Wastewater System:

A twenty-seven (27) inch wastewater trunk line extends along the north bank of Powhite Creek, adjacent to the southwest boundary of this site. The existing church is connected to the public wastewater system. Use of the public wastewater system to serve the private school is required by County Code.

ENVIRONMENTAL

Drainage and Erosion:

There are currently no on- or off-site drainage or erosion problems with none anticipated after development.

Water Quality:

The property drains southwest directly into Powhite Creek, a perennial stream that is subject to a 100 foot conservation area (Resource Protection Area).

PUBLIC FACILITIES

Fire Service:

The Buford Fire Station, Company Number 9, and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical service. This request will have only minimal impact fire and EMS.

At such a time when the property is further developed beyond the existing structure, hydrant locations, water supply and access requirements will be evaluated during the plans review process.

Transportation:

This request will allow a private school to operate in conjunction with the existing church on the property. The applicant has proffered a maximum enrollment of 350 students (Proffered Condition 7). Based on private school trip rates, development at maximum enrollment could generate approximately 870 average daily trips. These vehicles will be distributed along Buford Road and along Pinetta Drive, which had 2003 traffic counts of 8,085 and 5,768 vehicles per day, respectively.

The Thoroughfare Plan identifies Buford Road and Pinetta Drive as collectors. Access to collectors, such as Buford Road and Pinetta Drive, should be controlled. In conjunction with development of the church on the property, one (1) entrance/exit was constructed onto Buford Road and one (1) entrance/exit was constructed onto Pinetta Drive. The applicant has proffered that direct access from the property to Buford Road and to Pinetta Drive will be limited to those existing entrances/exits (Proffered Condition 8). In order to address neighborhood concerns, the applicant has also proffered that no vehicular or pedestrian access will be provided from the property to the adjacent subdivision to the south (Summit Acres) via Rubis Lane. (Proffered Condition 6)

In 1985 - 1986, staff prepared an amendment to the County's Comprehensive Plan for the Bon Air area (the "Bon Air Community Plan"). Staff recommended that the Plan include a strategy to provide widening improvements along Buford Road. Citizens voiced opposition to this strategy because, in their opinion, it would change the characteristics of Buford Road and the surrounding area. The Board of Supervisors approved the Bon Air Community Plan without the recommendation to widen Buford Road. Based on Transportation Department standards, traffic generated by this development could warrant turn lanes along Buford Road and Pinetta Road. The applicant was not requested to provide these road improvements on Buford Road based on the action by the Board in the adoption of the Bon Air Community Plan. Based on the characteristics of this section of Pinetta Drive, including the 25-mile per hour posted speed limit, the applicant was also not requested to provide turn lane improvements on Pinetta Drive.

At time of site plan review, specific recommendations will be provided regarding internal circulation.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Northern Area Plan which suggests the property is appropriate for medium density residential development of 1.51 to 4.0 units per acre.

Area Development Trends:

Surrounding properties along both Buford Road and Pinetta Drive are zoned Residential (R-15) and are occupied by single family residences, public/semi-public uses (church) or are currently vacant. It is anticipated that any infill development or redevelopment of properties will be limited to medium density residential and public/semi-public uses as suggested by the Plan.

Zoning History:

On September 22, 1993, the Board of Supervisors, upon a favorable recommendation by the Commission, approved a Conditional Use to permit a child care center in conjunction with a church use on the subject property. (Case 93SN0212)

Site Design:

The request property has been developed as a church with associated parking facilities. The applicant intends to use the existing facilities to accommodate the private school accommodating a maximum enrollment of 350 students (Proffered Condition 7). The recommended conditions would require any new development for school use to conform to the development standards of the Ordinance for office uses in Emerging Growth Areas except for buffers and where the underlying zoning requirements are more restrictive (Proffered Condition 1). Emerging Growth Standards address architectural treatment, access, parking, landscaping, setbacks, signs, utilities and screening of dumpsters and loading areas.

The operation of the proposed school must be in conjunction with a church use on the same site. (Proffered Condition 2)

Architectural Treatment:

The recommended conditions would require any new construction for school use to conform to Emerging Growth District architectural standards (Proffered Condition 1). Currently, in Emerging Growth Areas architectural treatment of buildings, including materials, color and style, must be compatible with buildings located within the same project. Compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.

Buffers:

Adjacent property to the south is zoned Residential (R-15) and is developed as the Summit Acres Subdivision. To address concerns of these adjacent property owners, Proffered Condition 4 requires the retention of trees of a specified caliper within 125 feet of the Summit Acres Subdivision until development occurs within these limits. At

that point, a fifty (50) foot buffer would be provided adjacent to Summit Acres. (Proffered Condition 5)

Any proposed outdoor recreational facilities and playgrounds associated with the private school use should be set back from adjacent residential properties to the north and south. (Proffered Condition 3)

CONCLUSIONS

A private school use is proposed on the property in association with an existing church. This use would have no greater impact upon existing and anticipated area residential development than does the permitted church or public school uses. In addition, the proffered conditions address land use compatibility issues between the proposed use and area residential development. Similar facilities, located adjacent to residential areas, have been approved throughout the County, with no apparent adverse impact on residential uses. The proffers are similar to those accepted on similarly situated facilities.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Staff (7/29/04):

If the Commission acts on this case on August 17, 2004, it will be considered by the Board of Supervisors on August 25, 2004.
